THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5109 OF 2006

Dated: 16-03-2006

BETWEEN

The Wholesale Handloom & Housiery
Welfare Association (Regn. No.418)
H.No.4-5-480, Angadi Bazar, Gandhi
Road, Karimnagar, rep. by its President
Chanda Bapu S/o. Chanda Bhoomaiah,
Occ: Business, R/o. H.No.6-5-245,
Gandhi Road, Karimnagar.

...PETITIONER

AND

The Secretary to Government,
Municipal Administration & Urban
Development, Government of Andhra
Pradesh, Secretariat, Hyderabad and
others.

...RESPONDENTS

ORDER:

Petitioner – association seeks a Writ of Mandamus to declare the impugned action of the

respondents 1 to 4 in not considering its representation dated 25.06.2004 for allotment of vacant open land in Sy.No.1483 at Vinayak Market area at Karimnagar town in pursuance of letter bearing Roc.No.G1/2188/2004 dated 22.03.2005 addressed by the fifth respondent as illegal and arbitrary.

Learned counsel for the petitioner-association submits that pursuant to the representation dated 25.06.2004 made by the petitioner-association before the fifth respondent for allotment of open land admeasuring 176.49 sq. yards situated in Sy.No.1483 at Vinayak Market along with two other associations, the Municipal Council, Karimnagar passed a resolution on 18.08.2004 requesting the Director of Town and Country Planning, Government of Andhra Pradesh, Hyderabad, to allot the said land in favour of the three associations on nominal rate as the same is not useful for parking and play ground and to avoid encroachment, as it causes financial gain to the municipality. The said resolution has been forwarded by the fifth respondent to the Commissioner and Director of Municipal Administration, Hyderabad, vide proceedings in Roc.No.G1/2188/2004 dated 22.03.2005 stating that the Government issued instructions in G.O.Ms.No.72 MA dated 20.02.2002 pursuant to the orders of this Court in WP.No.26276 of 1996 and the judgments of the Supreme Court directing the Municipalities and Municipal Corporations in the State not to propose to utilize the reserved open spaces of a layout for the purpose other than intended for original use such as parks, playgrounds, Community structures, Urban Forestry and similar eco-conservations programmes.

I am of the opinion that the said resolution itself passed by the Municipal Council, Karimnagar is illegal and contrary to the judgments of the Supreme Court and this Court. It is the duty of every Municipality and Municipal Corporation to maintain parks, playgrounds and develop and maintain eco-conservation programmes. Therefore, the respondents cannot express any opinion that the said vacant land is not useful for park and playground and make money out of the open space. Therefore, I am not inclined to issue any direction in this writ petition directing the respondents to consider and dispose the representation of the petitioner-association for allotting the vacant land.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

March 16, 2006

DSK